Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1976

No. 76-1379

ALFRED BERNARD DAVIS, III,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR REHEARING

LUKE McKISSACK

6430 Sunset Boulevard
Suite 521
Hollywood, CA 90028
(213) 466-7331

Attorney for Peitioner

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JURISDICTION

On May 16, 1977, this Court denied the Petition for Certiorari. The Petition for Rehearing is herein filed as provided in Rule 58 of the rules of this Court.

I

PETITIONER DAVIS WAS DENIED HIS CONSTITUTIONAL RIGHT UNDER THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION TO CONFRONT WITNESSES BY BEING DENIED THE RIGHT TO ELICIT PROOF OF ENTRAPMENT OF THE PERSON WHO DEPUTIZED HIM TO TRANSFER NARCOTICS

Petitioner Davis adopts the argument presented in his Petition for Certiorari previously filed. He, furthermore, urges that the differing opinions as to whether entrapment is purely a personal defense as expressed in the majority and dissent in the case of Carbajal-Portillo v. United States (9th Cir. 1968) 396 F.2d 944 and the policy enunciated by this Court in Witherspoon v. Illinois (1968) 391 U.S. 510 and Bumper v. North Carolina, 391 U.S. 543, 545 (1968) calling for the trial court to allow an adequate record to be made so that Constitutional challenges can be predicated upon an accurate and comprehensive statement of facts mandate at least a remand to the Federal District Court if not a reversal of the case.

CONCLUSION

For the aforegoing reasons, petitioner requests that this Petition for Rehearing be granted.

Respectfully submitted,
LUKE McKISSACK
Attorney for Petitioner

AFFIDAVIT

I, Luke McKissack, counsel for Petitioner, certify that this Petition for Rehearing is based upon meritorious grounds not heretofore fully considered by the Court and is not interposed for purposes of delay.

LUKE McKISSACK

Attorney for Petitioner

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

On May 20, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared Luke McKissack, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

OFFICIAL SEAL
My Commission Expires Jan. 28, 1978

Esiquia Gonzales
Notary Public in and
for said County and State